

# Denver Law Review

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and the holder of the second mortgage is entitled to the possession of the mortgaged property according to the terms of his mortgage."

4. It is within the discretion of the trial Court to permit the filing of supplemental pleadings alleging full payment of the first mortgage pendente lite.

5. Trial Court may in its discretion, in a proper case, permit the filing of supplemental pleadings after remand by the Supreme Court, and such a proper case is one in which the Supreme Court determines a question of priority of lien and thereafter it develops that the prior lien has been extinguished. EN BANC.

Opinion by Mr. Justice Knous. Mr. Justice Holland dissenting.

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